

UNITED STATES DEPARTMENT OF AGRICULTURE
ANIMAL AND PLANT HEALTH INSPECTION SERVICE

APHIS DIRECTIVE 435.1

9/1/82

CLASSIFICATION APPEAL PROCEDURES

I. PURPOSE

This Directive states APHIS procedures concerning employee appeals of position classifications.

II. REPLACEMENT HIGHLIGHTS

This Directive replaces APHIS Directives 435.1 (6/30/72) and 435.2 (4/4/72).

III. COVERAGE

This Directive covers all employees who occupy positions in the General Schedule (GS), Merit Pay (GM) or Federal Wage (WG, WL, and WS) Systems. This Directive does not apply to Senior Executive Service or Foreign Service employees.

IV. BASIS AND TIME FRAMES FOR FILING APPEALS

A. Basis for Filing Appeals

1. Employees may appeal classification actions relating to:
 - a. The correct grade of the position,
 - b. The correct occupational series of the position,
 - c. Whether the position is included in or excluded from the General Schedule (such appeals must be made under the GS appeals procedures, see Section VI. A.), or
 - d. The title of the position if it is a title specified in the position classification standards or if the title reflects a qualification requirement or an area of specialization.
2. Employees may not appeal classification actions involving:
 - a. The standards used to classify the positions;

b. The accuracy of the position description; however, an employee may file a grievance using the APHIS Administrative Grievance Procedure (see APHIS Directive 460.5, Administrative Grievance Procedure); or, if appropriate, the negotiated grievance procedure.

c. The rate of pay;

d. The wage schedule rate; or

e. Whether the position is included in the Merit Pay System; however, a grievance may be filed. (See APHIS Directive 460.5, Administrative Grievance Procedure and APHIS Directive 462.1, Performance Appraisal.)

B. Time Frames for Filing Appeals.

Appeal of:	May be filed:
1. Current classification	At any time
2. Notice that a reclassification may, be going to take place.	Upon receipt of official notice.
3. Reclassification action which results in loss of pay or grade effective date of the personnel action.	Within 15 calendar days after the If the appeal is not filed within 15 days, any rights to retroactive benefits are lost.

V. CONTENTS OF APPEAL

An employee's appeal must contain:

A. Description of the work performed. Include any documentation of disagreement with the supervisor concerning the work performed or a statement that the official position description is a complete and accurate description of the work when there is no disagreement between the employee and supervisor.

B. Statement of the specific reason(s) why the employee feels the position is not classified correctly. This may include any references to classification or job grading standards which support this viewpoint.

C. Reasons for disagreement with specific portion(s) of a lower level appeal when you are appealing to a highest level.

- D. Any additional information which may affect the appeal.
- E. Requested classification action.
- F. Personal identifying information. This includes the employee's:
 - 1. Name,
 - 2. Home mailing address,
 - 3. Duty Station,
 - 4. Position title and grade, and

5. Work mailing address. Include organization structure, i.e., USDA, AkPHIS, AM, ASD, IMB; or USDA, APHIS, VS, South Central Region, Texas Area; or USDA, APHIS, PPQ, Western Region, Area II, Office of the Area Director.

PLEASE CONTACT THE IT ISSUANCE STAFF FOR A COPY OF SECTION VI, APPEAL PROCEDURES.

VII. REPRESENTATIVES

An employee has the right to select a personal representative to advise and assist in the preparation and presentation of the appeal. An employee may select the individual of his/her choice except when the selection will result in a conflict of interest. A selection of this type may not be made.

The right of an employee to select a personal representative is not affected by the exclusive recognition of some labor organizations. The exclusive recognition gives the labor organization the right to be notified by the Director, HRD, when an employee represented by a labor organization submits an appeal to his/her office. It also allows the labor organization to send a representative to any discussions with the employee about the appeal. The employee may choose either the labor organization representative or someone outside the organization to act as his/her personal representative. Whichever is the case, no representative has the right to be present during a desk audit.

The employee and his/her personal representative will be granted reasonable time by the supervisor to prepare and present the appeal. The appeal will be presented by the employee and his/her representative without fear of restraint, interference, coercion, or reprisal.

VIII. CANCELLATION OF APPEALS

An appeal will be cancelled when the employee:

- A. Requests in writing that it be cancelled,
- B. Fails to furnish requested information,
- C. Fails to proceed with the appeal in a timely manner, or
- D. Leaves his/her position and there is no possibility of retroactive benefits.

IX. EFFECTIVE DATES OF DECISIONS

Any changes in classification due to an appeal are effective no later than the beginning of the fourth pay period following the decision. They are not made retroactive unless the appeal was filed as a result of loss of pay or grade and within the 15 day time limit.

/s/ James O. Lee, Jr.
Acting Administrator